

SENATE BILL 3775

By Johnson

AN ACT to amend Chapter 79 of the Acts of 1903, as amended by Chapter 126 of the Private Acts of 1967; Chapter 216 of the Private Acts of 1988; Chapter 152 of the Private Acts of 1990, Chapter 73 of the Private Acts of 1991, and Chapter 79 of the Private Acts of 2008; and any other acts amendatory, relative to the office of Vice Mayor and vacancies in office.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 79 of the Acts of 1903; as amended by Chapter 126 of the Private Acts of 1967; Chapter 216 of the Private Acts of 1988; Chapter 152 of the Private Acts of 1990, Chapter 73 of the Private Acts of 1991, and Chapter 79 of the Private Acts of 2008 and any other acts amendatory thereto is amended by deleting subsection (b) and subsection (c) in Section 5 of Article IV in their entirety and by substituting instead the following:

(b) Each year at its November meeting, the Board of Mayor and Aldermen shall elect an alderman to the office of vice-mayor, who shall serve when the mayor is absent or unable to discharge the duties of the office. The term of vice-mayor shall be for one (1) year. In the case of a vacancy in the office of mayor, the vice-mayor shall take the oath of mayor and serve as mayor until the next regular city election, at which time the office of mayor shall be filled for any unexpired term by the voters.

(c) Any vacancy in the office of aldermen which occurs a year or longer from a regularly scheduled city election shall be filled by either affirmative vote of the majority of the remaining members of the Board, by special election, or by any other means allowed by state law. The method of filling the vacancy shall be determined by affirmative vote of the majority of the remaining members of the Board. Should a vacancy occur within a year of a regularly scheduled city election the Board may elect, by a majority vote of the Board, to fill the vacancy at the next regularly scheduled election.

SECTION 2.

(a) This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Franklin or unless it is approved by a majority of the number of qualified voters of the City of Franklin voting in an election on the question of whether or not the act should be approved. The local legislative body, in its discretion, shall determine which of the preceding methods of local approval shall be used.

(b) If the local legislative body chooses the method of local approval that requires the vote of the legislative body, then the approval or nonapproval of this act shall be proclaimed by the presiding officer of the legislative body of the City of Franklin and certified to the secretary of state.

(c) If the local legislative body chooses the method of local approval that requires a referendum, then the local legislative body shall determine whether such referendum shall be part of the next regularly scheduled election or if a special election shall be called. The ballots shall have printed on them a summary of this act and the voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The results of the referendum shall be certified to the secretary of state by the presiding officer of the legislative body of the City of Franklin.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon ratification as provided in Section 2.